

COMMON METHODS OF HOLDING REAL ESTATE TITLE IN CALIFORNIA

1. **Individual ownership.** Upon death, ownership goes to heirs or beneficiaries of decedent.
2. **Separate property.** Property owned by a husband or wife without spouse owning a share. Same as individual ownership.
3. **Joint tenancy** - equal shares with right of survivorship. Upon death of one owner, share of decedent goes to other owners automatically.
4. **Tenancy in common** - co-ownership with no right of survivorship. Upon death of one owner, share of decedent goes to heirs or beneficiaries of decedent, not to other owners.
5. **Community property** - husband and wife. Upon death of one owner, share of decedent goes to other owner unless otherwise transferred by will or law. Survivor receives property with full step up in capital gains tax basis, resulting in lower taxation upon resale.
6. **Community property with right of survivorship** - husband and wife. Upon death of one owner, share of decedent goes to other owner automatically. Survivor receives full step up in capital gains tax basis, resulting in lower taxation upon resale.
7. **Living trust** - title in name of trustee for benefit of trust beneficiaries. Can be community property if titled that way prior to titling in trust or if community property agreement.

THIS MATERIAL IS NOT LEGAL ADVICE. FOR IMPLEMENTATION, CONTACT A QUALIFIED ATTORNEY.